

REMARKS/ARGUMENTS

Claim Amendments

The Applicant has amended claims 1-4, 6, 9, 11, 13, and 16-21. Applicant respectfully submits no new matter has been added. Accordingly, claims 1-21 are pending in the application.

Claim 4 has been amended to overcome the 35 U.S.C. section 112, second paragraph rejection. The Applicant respectfully requests the reconsideration of claim 4.

Claims 1, 9 and 16 are amended to more clearly describe the periodic charge term in these claims and support for the amendment is found in paragraph [0037]. Further, the claims were amended to more clearly state the limitations. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

Response to Arguments

The Applicant respectfully disagrees arguing in the previous response that Titus failed to disclose a tariff engine. The Applicant argued that Titus' tariff engine did not apply a charging function to call forwarding, call blocking or caller id services. The real time tariff engine of Titus computes real time charges for short messages based on message count, time of day, character count, etc., which are applied to the prepaid account (Abstract). The cited paragraph [0042] in Titus discloses a flat rate per message, and rates that are applied to messages based on time of day and day of week tariffs. The Applicant's invention applies to service charges that are billed maybe once and also periodically but only in relatively large periodic increments (day, week, month, and year).

Claim Rejections – 35 U.S.C. § 103 (a)

Claims 1-21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Titus et al (Pub. No. US2002/0029189 A1) in view of Phillips, et al. (US Patent No. 5,870,459). The Applicant respectfully traverses the rejection of these claims. The Applicant has amended claims 1-4, 6, 9, 11, 13, and 16-21 to more clearly present the

intended scope of the claimed invention. Though the changes appear to be extensive, most of the amendments were made for the sake of clarity. The Examiner's consideration of the amended claims is respectfully requested.

As noted in the previous response, the present invention provides a method and apparatus for charging periodically billed supplementary services to a prepaid subscriber account. The term "periodic charges" has been argued as being different from the Titus tariff charges. The Applicant has amended the claims to replace periodic charges with the term "fee" which the Applicant believes more accurately describes the charges being applied by the applicant's present invention. Since the charges are not as frequent as standard prepaid charges (including the charges in the Titus reference), the Applicant respectfully submits that the term "fee" is more appropriate than periodic charges.

In a conventional prepaid system the prepaid subscriber account is paid in advance and the amount is credited to the account utilizing time-based credits. As call events occur, the time in the account is reduced to pay for the call events. Typically in a non-prepaid type account supplementary services are billed on a monthly basis and are not easily converted into time units that can be deducted from the prepaid account. In the Applicant's present invention, supplementary service charges are timed separately from call events and billed according to a separate rate table/tariff table. The present invention provides a solution that allows a prepaid customer to pay monthly charges for supplementary services from a single prepaid account which typically requires charges to be applied in time units.

The Titus reference discloses a system for applying a real-time billing charge for messages transmitted over a TCP/IP network (Abstract). Titus is cited for linking at least one supplementary service to a PPS account wherein a tariff table for the supplementary service includes a rate comprising a periodic charge associated with a predetermined time period. As amended, the Applicant respectfully asserts that Titus is applying charges associated with messages to a prepaid account in real time. This is only different from a typical prepaid account in that the charges are for short messages. The cited portions of the Titus reference disclose a prepaid short messaging service; a

prepaid tariff engine that bills according to flat rate, time of day, day of week character count, etc. Titus's tariff engine computes real time charges based on message count, time of day, character count, etc. which are applied to the prepaid account (Abstract). Titus' tariff engine supports many different message types (para 0034) with billing tariffs corresponding to message types. The prepaid SMS server in Titus applies charging functions to messages and does not apply charging functions to call forwarding, call blocking or caller id services.

The Phillips reference discloses a recyclable cellular telephone. Phillips is cited for teaching subscriber comfort services. The Applicant does not disagree.

The Applicant's present invention discloses a method and apparatus wherein supplementary service fees are charged to a time unit based, prepaid service account in contrast to the Titus reference, which discloses applying short messaging charges in real time to a prepaid account. These limitations are recited in Applicant's claim 1 and analogous limitations are recited in claims 9 and 16.

The Applicant respectfully asserts that the combination of Titus and Phillips does not teach or suggest the invention presently claimed in Claims 1, 9 and 16, and as such, Claims 1, 9 and 16 are patentable over the art of record. In addition, Applicant respectfully submits that Claims 2-8, 10-15 and 17-21 are patentable over the art of record for at least the reasons recited above with respect to Claims 1, 9 and 16.

CONCLUSION

In view of the foregoing remarks, the Applicant believes all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for all pending claims.

The Applicant requests a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,



By Sidney L. Weatherford
Registration No. 45,602

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Ericsson Inc.
6300 Legacy Drive, M/S EVR 1-C-11
Plano, Texas 75024

(972) 583-8656
sidney.weatherford@ericsson.com